

ORDINANCE 20-030

AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCILMEMBERS-AT-LARGE; PROVIDING FOR THE FILING OF WRITTEN APPLICATION TO HAVE THE NAMES PRINTED ON THE OFFICIAL BALLOT; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; IDENTIFYING EARLY VOTING CLERK; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; DESIGNATING THE EARLY VOTING POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.

WHEREAS, on January 28, 2020, the City Council passed Ordinance 20-003, which ordered an election to be held on May 2, 2020, for the purpose of electing a mayor and three councilmember-at-large positions; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a Disaster Declaration for the State of Texas related to the Covid-19 pandemic; and

WHEREAS, on March 18, 2020, Texas Governor Greg Abbott issued a proclamation suspending Section 41.0052 (a) and (b) of the Texas Election Code, thereby allowing political subdivisions of the state to move their general and special elections set on May 2, 2020, to the November 3, 2020, uniform election date, without otherwise adjusting the term of office; and

WHEREAS, on March 24, 2020, the City Council found that it was in public health, safety, and interest to postpone the May 2, 2020, general municipal election for the election of a mayor and three councilmember-at-large positions to November 3, 2020 via Ordinance 20-012;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION 1. That, pursuant to the laws of the State of Texas and the Charter of the City of Killeen, it is ordered by the City Council that a general election be held in Bell County, Texas, on

November 3, 2020, for the purpose of electing from the City of Killeen a mayor and three council members-at-large.

SECTION 2. Political subdivisions holding an election on the November uniform election date must use county election precincts and the county polling places on election day. Bell County has adopted the countywide polling place system which allows registered Bell County voters the ability to vote at any of the Bell County polling sites on election day. Pursuant to the Governor's March 18, 2020, proclamation suspending certain Texas Election Code provisions, all county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 election and that request a contract for election services or a joint election agreement with their county election officer. The City of Killeen has requested election services from Bell County to conduct a joint election on November 3, 2020.

SECTION 3. The manner of holding the election and all questions pertaining to such election shall be governed by the V.T.C.A. Election Code, and the returns shall be made and canvassed and the results declared as in other legal elections of the City of Killeen.

SECTION 4. The candidate filings for the election originally ordered for May 2, 2020, will remain valid for the election to be held on November 3, 2020, and the original filing period that ended on February 14, 2020 (February 18, 2020 for write-in), at 5:00 p.m. will not be reopened.

SECTION 5. The names of all those who have filed their written applications to have their names printed on the official ballot as candidates shall be posted by the City Secretary in a conspicuous place at her office for the inspection of the public for at least ten days before she orders the ballot to be printed. The City Secretary shall preserve in her office for a period established by the Texas State Library and Archives Commission and adopted by the City all applications, statements, notice of objections, and other related papers.

SECTION 6. Any person eligible for the office of councilmember or other office who has filed his or her written application in accordance with the provisions of this ordinance shall have his or her name printed on the official ballot. Any such person may cause his or her name to be withdrawn at any time prior to 5:00 p.m. on August 24, 2020, by filing in writing with the City Secretary, a request to that

effect over his or her signature, duly attested to by a Notary Public. No name so withdrawn shall be printed on the ballots.

SECTION 7. Each qualified voter who desires to cast an early vote or who expects to be absent on the date of the election shall be entitled to an official ballot and to cast such ballot in accordance with the applicable provisions of Title 7, V.T.C.A., Election Code, beginning October 13, 2020, and continuing through October 30, 2020. The Early Voting Clerk for Bell County is the Elections Administrator and the Main Early Voting Location for early voting is the Bell County Courthouse Annex, 550 East 2nd Avenue, Belton, Texas 76513. Early voting will be conducted in person, October 13, 2020 thru October 18, 2020 (days and hours to be determined); October 19, 2020 thru October 23, 2020 (Monday – Friday) from 8:00 a.m. – 5:00 p.m.; October 24, 2020 (Saturday) from 7:00 a.m. – 7:00 p.m.; October 25, 2020 (Sunday) from 12:00 p.m. – 5:00 p.m.; and October 26, 2020 thru October 30, 2020 (Monday – Friday) from 7:00 a.m. – 7:00 p.m., at the following locations:

Belton – Bell County Courthouse Annex, 550 East 2nd Avenue, Belton 76513

Killeen – Bell County Annex, 304 Priest Drive, Killeen, 76541

Killeen – Rosa Hereford Killeen Community Center, 2201 E. Veterans Memorial Boulevard, Killeen, 76543

Temple – Bell County Annex, 205 East Central Avenue, Temple 76501

Salado – Salado Church of Christ, 217 North Stagecoach Road, Salado 76571

Harker Heights – Parks & Recreation Center, 307 Millers Crossing, Harker Heights 76548

Applications for ballot by mail may be mailed, faxed, emailed, or delivered by common or contract carrier to:

Bell County Elections Department

P. O. Box 1629

Belton, Texas 76513

Fax: 254-933-6754

Email: melinda.luedecke@bellcounty.texas.gov

The deadline to submit an application for a ballot by mail (ABBM) is October 23, 2020. All ABBMs submitted for the May 2, 2020, election based on the applicant being over the age of 65 or due to disability will remain valid for the November 3, 2020, election; ABBMs for voters who submitted ABBMs based on expected absence from the city regarding the May 2, 2020, election will not be valid for the November 3, 2020, election.

SECTION 8. The following positions shall be set forth on electronic ballots hereinafter provided, in substantially the following form:

**CITY OF KILLEEN GENERAL ELECTION
NOVEMBER 3, 2020
OFFICIAL BALLOT**

FOR MAYOR

Vote for One

☐ _____
☐ _____
☐ _____

FOR COUNCILMEMBER-AT-LARGE

Vote for One, Two, or Three

☐ _____
☐ _____
☐ _____
☐ _____

SECTION 9. All resident qualified electors of the City shall be permitted to vote at the election.

SECTION 10. The election materials enumerated in Sec. 272.001, et seq., V.T.C.A. Election Code, shall be printed and furnished in both English and Spanish for use at each polling place on election day and for early voting.

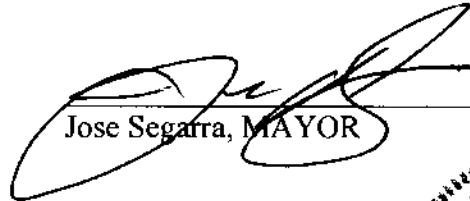
SECTION 11. Notice of election shall be given by posting substantial copies of the Notice of Election as prescribed by the Secretary of State's office in both English and Spanish at the Killeen City

Hall, the official city website and at three (3) other public places in the City at least thirty (30) days prior to the date set for the election; and substantial copies of the Notice of Election in both English and Spanish shall be one time in a newspaper of general circulation in the City, the date of publication to be not less than fourteen (14) days prior to the date set for the election.

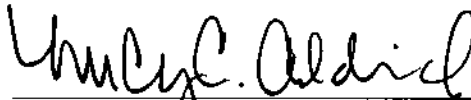
SECTION 12. Returns of election shall be made to the City Council at a meeting following the election; the returns will be canvassed and the results of the election declared as prescribed by the Election Code, V.T.C.A., of the State of Texas and the City Charter.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 4th day of August 2020, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Sec. 551.001, *et seq.*

APPROVED


Jose Segarra, MAYOR

ATTEST:


Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM


Traci S. Briggs, CITY ATTORNEY



CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: August 4, 2020
TO: Kent Cagle, City Manager
FROM: Traci Briggs, City Attorney
SUBJECT: Ordering the November 3, 2020 General Election to Elect a Mayor and Three Councilmembers-at-Large

BACKGROUND AND FINDINGS:

On January 28, 2020, the city council passed ordinance 20-003, ordering an election to be held on May 2, 2020, for the purpose of electing a mayor and three councilmembers-at-large positions. On March 18, 2020, following the Governor's disaster declaration for the State of Texas related to the COVID-19 pandemic, Governor Abbott issued a proclamation suspending Section 41.0052 (a) and (b) of the Texas Election Code, allowing political subdivisions to move their general and special elections set on May 2, 2020, to the November 3, 2020, uniform election date. On March 24, 2020, the city council postponed the May 2, 2020, general election to November 3, 2020, via ordinance 20-012.

Political subdivisions holding an election on the November uniform election date must use county election precincts and the county polling places on election day. Pursuant to the Governor's March 18, 2020, proclamation, if requested by the city, the county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 elections. The City has requested election services from Bell County to conduct a joint election on November 3, 2020.

The Texas Election Code, Chapter 3, provides for the ordering of an election not later than the 78th day before the election date. In addition to any other elements required, each order must state the date of the election and the offices or measures to be voted on at the election.

The attached ordinance has been prepared ordering the election for the purpose of electing a mayor and three councilmembers-at-large, and designating the early voting polling places and times.

THE ALTERNATIVES CONSIDERED:

There are no legal alternatives.

Which alternative is recommended? Why?

Staff recommends holding a November 3, 2020, general election for the purpose of electing a mayor and three councilmembers-at-large.

CONFORMITY TO CITY POLICY:

This ordinance conforms to Article IX of the City Charter authorizing the ordering of an election to be held on a uniform election date provided for in the Texas Election Code.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

The estimated cost to conduct this election is \$5,000. The costs are related to publishing election notice in local newspaper, ballot printing and ballot machine programming. Bell County has budgeted for the cost of renting polling locations, and election judges and clerk's compensation; and they do not intend to request sharing of costs for those services.

Is this a one-time or recurring expenditure?

This is a one-time expenditure with Bell County.

Is this expenditure budgeted?

Yes, funds are included in the proposed FY2021 budget, account 010-1010-416.50-45, Election Expense.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes, upon approval of the FY 2021 Budget.

RECOMMENDATION:

Staff recommends City Council approve the ordinance ordering a November 3, 2020, general election to elect a mayor and three councilmembers-at-large.

DEPARTMENTAL CLEARANCES:

City Attorney